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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,941

08/18/2006

Thomas Pabst

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2368

27799

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COHEN, PONTANI, LIEBERMAN & PAVANE

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,941	Applicant(s) PABST, THOMAS	
	Examiner NAHID AMIRI	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 22 January 2008, amendments to the claims have been entered. Claims 1-12 and 18-20 are canceled. Claims 13-17 and 21-26 are pending.

Applicant's response overcomes the art rejections of record. However, after further review of the prior art of record, the claims are not deemed to be in condition for allowance. Accordingly, the indication of the allowability of claims 20 and 21 in the previous Office action is withdrawn and a new art rejection applied as set forth below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, line 15, there is no antecedent basis for "the first surface", on line 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

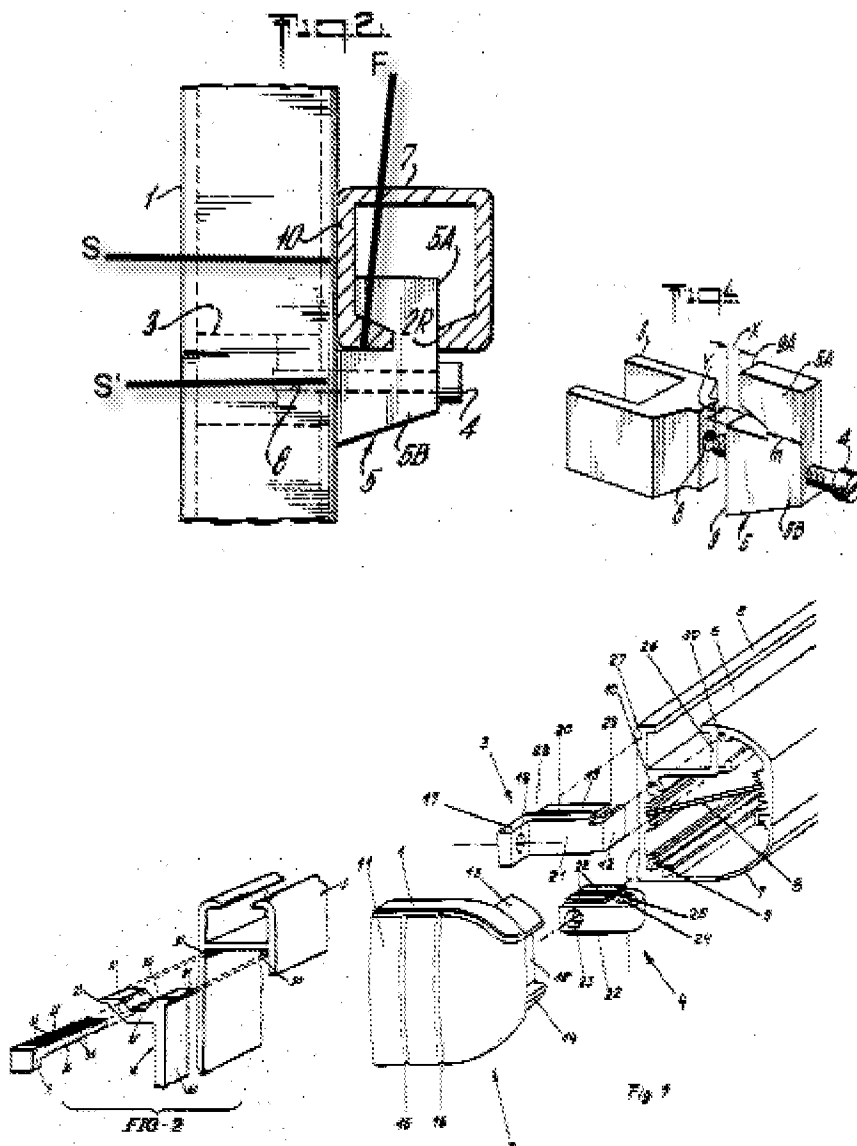
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-17, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,847,489 Van Riper in view of US Patent No. 3,930,738 Thuss et al. and Patent No. DE 19804801 Dorma GmbH.

With respect to claims 13-16 and 21, Van Riper discloses an attachment device (5, Figs. 2, 4) for a slide channel (2R), the attachment device (5) comprising a clamping piece (5A) insertable into an end of the slide channel (2R); a connecting plate (5B) integrally formed with the clamping piece (5A) and having a bore (6) by which the connecting plate (5B) can be connected to a sub-construction (1), wherein the clamping piece (5A) is inserted into the end of the slide channel (2R), the connecting plate (5B) is disposed outside of the slide channel (2R); wherein the slide channel (2R) has an outside surface (S) facing the sub-construction (1) and the connecting plate (5B) has a first surface (S') which extends flush with the outside surface of the slide channel (2R) when the clamping piece (5A) is inserted into the end of the slide channel (2R); the connecting plate (5B) comprising two opposite lateral surfaces extending orthogonally to the first surface. Van Riper does not disclose the clamping piece as having a first outside surface with a first inclined toothing on the first outside surface, and wherein the first toothing abuts against a first inside surface of the end of the slide channel by press fit so that the clamping piece is detachably interlocked with the slide channel; and the clamping piece having a second outside surface opposite to the first outside surface, and a second inclined toothing on the second outside surface, the end of the slide channel has a second inside surface opposite to the first inside surface, and the second toothing abuts against the second inside surface when the clamping piece is inserted into the end of the slide channel; wherein at least one of the lateral surfaces having at least one of a projection and a recess, and the connecting plate comprising a locking component for clampingly connecting a cover cap which, when the clamping piece is inserted into the end of the slide channel, covers the connecting plate and the end surface of the slide channel; and wherein the at least one recess constitutes the locking component for at least one of a projection of the cover. Thuss et al. teach (Fig. 2) a clamping piece including a first surface (35) having a first inclined toothing on the first outside surface (35) and wherein the first toothing (35) abuts against a first inside surface of the slide channel (2R) by press fit so that the clamping piece is detachably interlocked with the slide channel (2R); and the clamping piece has

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a second outside surface (36) opposite to the first outside surface (35), and a second inclined toothing (34) on the second outside surface (36), the end of the slide channel (2R) has a second inside surface (31) opposite to the first inside surface (30), and the second toothing (34) abuts against the second inside surface (31) when the clamping piece is inserted into the end of the slide channel (2R). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the outside surface of clamping piece of Van Riper with first inclined toothing as taught by Thuss et al. in order to grip the inner surface of the sliding channel and prevent any relative movement of the clamping piece with respect to the sliding channel. Dorma GmbH teaches a device having at least one lateral surface (19) having at least one of recess (20) constitutes a locking component, for clampingly connecting a projection of a cover cap (2) which, when a clamping piece (28) is inserted into the end of a slide channel (3) covers a connecting plate (17) and the end surface of the slide channel (3). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the one of the lateral surfaces of Van Riper with a recess to receive a cap in order to cover the device within the sliding channel.



With respect to claim 17, Riper discloses (Fig. 4) that the connecting plate (5B) has a stop face (F) which abuts against an end surface of the end of the slide channel (2R) when the clamping piece is inserted into the end of the slide channel (2R).

With respect to claim 24, Riper discloses (column 1, lines 50-51) that the device (5) being comprised of an aluminum material.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riper, Thuss et al. and Dorma GmbH as applied to claims 13-17, and 24 above, and further in view of US Patent No. 6,305,117 B1 Hales, Sr.

With respect to claim 22, Van Riper discloses the claimed invention except for the bore has an oblong shaped cross section. Hales, Sr. teaches a base (Fig. 8) has an oblong shaped bore (120). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the bore of Van Riper with an oblong shaped as taught by Hales, Sr. in order to allow easy tightening and loosening of the screw.

Claims 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riper, Thuss et al. and Dorma GmbH as applied to claims 13-17, and 24 as applied to claims 13-19 and 24 above, and further in view of US Patent No. 6,789,832 Gort.

With respect to claims 23, 25, and 26, Van Riper discloses the claimed invention except for the device, being comprised of a plastic, zinc or die casting material, Gort teaches a device (34, column 5, lines 13-17) made from plastic, zinc die casting. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the device of Van Riper made from a plastic, zinc or die casting material as taught by Gort in order for the device to have sliding, spring biased movement within a cavity of the base portion and for retaining article interface portion and any articles that may suspended therefrom or attached thereto.

Response to Arguments

Applicant's arguments with respect to claims 13-17 and 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-6839. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri
Examiner
Art Unit 3635
April 7, 2008

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679